

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CRST VAN EXPEDITED, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 5:04-cv-651
	)	
J.B. HUNT TRANSPORT, INC.,	)	Judge Stephen P. Friot
et al.,	)	
	)	
Defendants.	)	

**PLAINTIFF'S COMBINED MOTION AND BRIEF IN SUPPORT SEEKING  
VOLUNTARY DISMISSAL OF CLAIMS AGAINST DEFENDANTS WINSTON COBY,  
ROBERT GRANT, CURTIS ALSOBROOK, AND DANIEL SHEPHERD**

Plaintiff CRST Van Expedited, Inc. ("CRST"), pursuant to Federal Rule of Civil Procedure 41(a)(2), hereby moves the Court to dismiss its claims against Defendants Winston Coby, Robert Grant, Curtis Alsobrook, and Daniel Shepherd (collectively, the "Individual Driver Defendants") without prejudice, with each party to bear its own costs.<sup>1</sup> In support of this Motion, CRST states as follows:

1. CRST alleges in its complaint that J.B. Hunt has engaged in the unlawful practice of recruiting over-the-road truck drivers who are parties to valid employment contracts with CRST.

2. CRST has brought claims against J.B. Hunt for tortious interference with contractual relations (Count I) and tortious interference with prospective economic advantage (Count II).

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<sup>1</sup> If this Motion is granted, the claims against J.B. Hunt would remain pending.

3. CRST also has brought breach of contract claims (Count III) against six drivers who CRST claims violated their employment contracts by leaving the employ of CRST to work for J.B. Hunt.<sup>2</sup>

4. CRST has decided to drop its claims against the Individual Driver Defendants to streamline this litigation and focus its claims against J.B. Hunt, which has now hired more than 90 CRST drivers under contract (including the six Individual Driver Defendants). Pursuant to the Court's Order of April 4, 2005, CRST will seek leave to file an amended complaint against J.B. Hunt that is "sufficiently broad in scope that . . . the resolution of this case would effect a comprehensive resolution of the issues between CRST and J.B. Hunt with respect to the hiring of former CRST drivers."

5. The Individual Driver Defendants consent to the dismissal and do not object to this Motion.

6. J.B. Hunt does not consent to the dismissal.

7. As the Individual Driver Defendants' consent to this motion demonstrates, no party will be prejudiced by the dismissal of these claims. No discovery has been conducted by either CRST or J.B. Hunt with the Individual Driver Defendants.

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<sup>2</sup> On September 9, 2004, the claim against Eual Allgood, Jr. was dismissed. On October 1, 2004, the claim against Artice Taylor was dismissed. J.B. Hunt did not object to either of these dismissals.

**CONCLUSION**

For the foregoing reasons, Plaintiff CRST Van Expedited, Inc. respectfully requests that the Court grant this motion and dismiss its claims against Defendants Winston Coby, Robert Grant, Curtis Alsobrook, and Daniel Shepherd without prejudice.

Dated: April 15, 2005

Respectfully submitted,

CRST Van Expedited, Inc.

By: /s/ Scott T. Schutte  
One of Its Attorneys

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**CERTIFICATE OF SERVICE**

I, the undersigned attorney, hereby certify that on this 15th day of April, 2005, I filed the foregoing **Plaintiff's Combined Motion and Brief in Support Seeking Voluntary Dismissal of Claims Against Defendants Winston Coby, Robert Grant, Curtis Alsobrook, and Daniel Shepherd** with the Clerk of Court using the CM/ECF system, which will send electronic notification of this filing to the attorneys below.

/s/ Scott T. Schutte

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